



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,235	06/06/2001	Jack W. Szostak	00786/350009	6199

7590

07/24/2003

Karen L. Elbing, Ph.D.
Clark & Elbing LLP
101 Federal Street
Boston, MA 02110

EXAMINER

FORMAN, BETTY J

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 07/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Regarding Interference

1. This action is in response to Applicant's attempt to provoke an interference.
2. In papers filed 3 October 2002, Applicant filed a statement under 37 C.F.R. 1.607(c) regarding the claims of U.S. Patent No. 3,631,943B1. This is assumed to be a typographic error because the conflicting claims are in U.S. Patent No. 6,361,943.
3. Applicants have met the burden under 37 C.F.R. 1.607(c). However, because the filing date of the foreign application to which the '943 claims priority (17 October 1996) is more than three months prior to the filing date of the provisional application to which Applicants claims priority 37 C.F.R. 1.608(b) is in effect. Therefore, Applicant must make a showing under 37 C.F.R. 1.6008(b) to provoke an interference (see MPEP2308). Failure to respond to this notice will result in Applicant's disclaiming of the invention.
4. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.


Art Unit: 1634

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (703) 306-5878. The examiner can normally be reached on 6:30 TO 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (703) 308-1119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-8724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.



BJ Forman, Ph.D.
Patent Examiner
Art Unit: 1634
July 23, 2003